

REMARKS

In the Office Action, Claims 39-49 and 95-98 were allowed; Claim 38 was rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Gemmell et al. (U.S. Pat. No. 5,691,919) and Claims 50, 52-54, 57, 58, and 60-64 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Gemmell et al. in view of Toussant et al. (both U.S. Pat. Nos. 5,198,197 and 6,092,726).

Also in the Office Action, Claims 51, 55, 56, and 59 were objected to as being dependent upon a rejected base claim, but deemed allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In this Amendment, Applicants have amended Claims 38 and 50. Thus, Claims 38-64 and 95-98 are pending, of which Claims 38, 39, 50, and 95 are independent claims; Claims 39 and 95 having been allowed.

Applicants respectfully submit that Claim 38 as amended is patentable over Gemmell et al. Claim 38 recites in pertinent part a method for tracking usage parameters of product pulled from a roll, the method including the step of obtaining data in a spindle apparatus related to rotation of a rotating member in the spindle apparatus disposed within a product roll. Applicants respectfully submit that the cited reference does not disclose each and every step as presently claimed by Claim 38.

In contrast to Claim 38, Gemmell et al. does not collect data in a spindle; rather, the cited reference uses rotation of a spindle to collect data in a system that encloses or surrounds a roll, which surrounds the spindle. For example, Fig. 1 of Gemmell et al. shows the conventional spindle (28) disposed in a roll (26) in a system (10) with a sensor (12) arranged outside of both the roll (26) and the spindle (28). Thus, Applicants

respectfully submit that Claim 38 is not anticipated by the cited reference and respectfully request that the rejection be withdrawn and Claim 38 be indicated as allowable. Further, Applicants respectfully request re-entry, reconsideration, and allowance of dependent Claims 82-94 dependent on Claim 38.

Applicants respectfully submit that Claims 50, 52-54, 57, 58, and 60-64 are patentable over Gemmell et al. in view of Toussant et al. For instance, Claim 50, as amended, recites in pertinent part a method for collecting and transmitting data related to amount of product pulled from a product roll utility spindle assembly operably connected within a product roll and accumulating data within said spindle assembly, the data comprising at least the amount of product pulled from the roll with a corresponding date and time. Applicants respectfully submit that the cited combination does not disclose each and every step of Claim 50 for at least the reasons given above with respect to Claim 38.

Thus, Applicants respectfully request that the Examiner withdraw the rejection to Claim 50 and indicate its allowance and the allowance of its dependent Claims 51-64.

Applicants respectfully submit that the present Amendment raises no new issues requiring an additional search by the Examiner and responds directly to matters raised in the Office Action. Accordingly, Applicants respectfully request the Examiner to enter the Amendment, reconsider and reexamine the application, and indicate the allowability of all pending claims.

If the Examiner has any questions upon consideration of this Amendment, Applicants invite the Examiner to contact the undersigned at the number appearing below.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

9-15-04
Date

Respectfully submitted,



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